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## **ELECTION COMMISSION OF INDIA**

**Nirvachan Sadan, Ashoka Road, New Delhi-110001**

No. 464/L&O/2007/PLN-I

Dated 08.01.07

To

The Chief Secretaries of all States & Union Territories

The Chief Electoral Officers of all States & Union Territories.

**Subject: Preventive Law & Order Action to ensure conduct of peaceful, free and fair poll during the General Elections/Bye-elections - Regarding.**

Sir,

The Commission has, in the past, issued various instructions from time to time to ensure conduct of peaceful, free and fair poll and maintenance of the law and order situation during General Elections/Bye-elections. For convenience of all concerned, these instructions have now been consolidated which are as under: -

2. The Commission being deeply aware of the increasingly vitative role of criminality and muscle power at elections has been taking, and directing the taking of a number of measures over and above the purview of normal law and order arrangements, for augmenting the possibilities of peaceful, free and fair poll. These measures include the deployment of Central Police Forces during the process of elections to assist the State law and Order machinery in prevention of pre-poll, poll and post-poll violence and inspire confidence in the impartiality of election machinery among the common electorate, regulation of vehicular traffic, regulation and ban on the sale of liquor in close proximity with the dates of poll and counting, seizure of illicit and licensed arms, etc., etc.

3. These extra measures taken by the Commission cannot absolve the normal law and order outfit of the State from taking such preparatory steps as are necessary for generation of an atmosphere conducive to the conduct of peaceful free and fair poll during the run up period to the elections. It is indispensable to tighten the local law and order outfit and enforce with adequate strictness the day-to day criminal administration with a view to mitigating the requirement of the aforesaid extra measures.

4. The Commission desires the States/UTs to undertake the following prophylactic measures immediately and report regularly the progress and effect of these measures in the context of possibilities of holding peaceful, free and fair elections:

4.1 A special drive should be launched to compile a list of such persons as are reported to have indulged in electoral offences like booth capturing, intimidation, impersonation in each police station of each and every constituency during the past at least two elections

and a list thus compiled of each constituency made available to the concerned District Election Officer and the Returning Officer of each Assembly Constituency to be forwarded to the Commission if and when asked for.

4.2 A special drive should be launched to update the lists of history sheeters, declared absconders, fugitive criminals in each police station falling in each and every Assembly Constituency and record of such updated listed handed over to the District Election Officers and Returning Officers concerned, constituency wise, with a view to be kept ready for dispatch to the Commission if and when asked for.

4.3 A special drive should be launched to effect the service of all pending warrants and challans in each police station of each and every Assembly Constituency and fortnightly updated constituency-wise information of unserved warrants be made available to the concerned District Election Officer and Returning Officer to be forwarded to the Commission if and when asked for.

4.4 A special drive should be launched to expedite the investigation and prosecution of all electoral offences registered in previous elections in each police station of each and every Assembly Constituency and a fortnightly report made available to the concerned District Election Officer and Returning Officer to be forwarded to the Commission if and when asked for.

4.5 A special drive should be launched to unearth illicit liquor making factories and information about seizures made available to the concerned District Election Officer and Returning Officer fortnightly to be forwarded to the Commission if and when asked for. All restrictions provided in excise law on the storage of liquor in unlicensed premises shall be vigorously enforced. Section 135C of Representation of People's Act, 1951 provides that no spirituous, fermented or intoxicating liquors or other substances of like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, private or public, within a polling area during the period of 48 hours ending with the hour fixed for conclusion of poll for any election in the polling area. Therefore 'Dry Day' shall be declared and notified under relevant state laws for the stipulated period for the poll areas. The day on which counting of votes is to be taken up, shall also be declared 'Dry Day'.

4.6 Prohibitory orders under section 144 of the Criminal Procedure Code, 1973 shall be issued banning the carrying of licensed arms as soon as an election is announced and should be effective till the declaration of results.

4.7 The States should conduct a 100% scrutiny of licenses of arms and ammunition shops with a view to ensuring that the records of their stocks are kept up-to-date and that their antecedents, recent involvement in irregularities, if any, and political leanings, if any, warrant a close super checking and monitoring of their business during the days of active electioneering.

4.8 Issue of license for arms will be totally prohibited during the period commencing with the date of announcement of elections. This ban will continue to be operative till the completion of the election as notified.

4.9 A special drive should be launched to unearth and seize unlicensed arms and ammunition. A very thorough search and seizure by the State Police of unlicensed arms and places of indigenous manufacture of arms and ammunition shall be carried out and persons involved shall be arrested. While unearthing and seizure of unlicensed weapons is a normal ongoing responsibility of the police, it shall be vigorously intensified during the election period. Inter-state and inter-State movements of trucks and commercial vehicles shall be strictly checked with a view to preventing smuggling of arms and ammunition and anti-social elements. Raids should be carried out regularly and intensively on underground arms factories.

4.10 Immediately after the announcement of elections, District Magistrates shall make a detailed and individual review and assessment (in accordance with the prevalent State laws) of all licence holders so that licensed arms in those cases where they consider it essential are impounded in order to ensure maintenance of law and order so essential for ensuring free and fair elections. These arms should be deposited with the district authorities. Among cases which may need to be reviewed are the following:

- (a) Arms licenses of persons released on bail,
- (b) Arms licenses of persons having a history of criminal offences, and
- (c) Arms licenses of persons previously involved in rioting at any time but especially during the election period. (The above categories are only illustrative and not exhaustive)

4.11 After such review, all such licence-holders who are identified, shall be directed to deposit their arms with the District Administration during the period of one week from the last date for withdrawal of candidatures.

4.12 The District Administration shall make foolproof arrangements for keeping the deposited firearms in safe custody. Proper receipt must be given to the licence holders depositing the firearms. It shall be the bounden duty of the District Administration to ensure that all firearms deposited with the Administration are returned to the licence holders immediately after one week after the declaration of results.

4.13 The sportsmen who are the members of National Rifle Association, at different levels, have to participate in various sporting events in which they use their rifles. The Commission has, therefore ordered that they will be exempted from these restriction s. This ban shall, also not be applicable to those communities who are entitled to display weapons by long standing law, custom and usage. This shall, however, not prevent the District Administration to impound weapons of any person, even from such communities, if they are found to be indulging in violence or posing a threat to the maintenance of law and order and peaceful conduct of elections. In such cases too, the seized firearms shall remain impounded till one week after the declaration of results.

4.14 Strict vigil shall be maintained by thorough checking of lorries, light vehicles and all other vehicles from three days before the date of poll to ensure that no undesirable elements or arms and ammunition are being transported into the constituency from outside and to apprehend them if they are doing so. Such checking of vehicles shall continue till the completion of the counting of votes and the declaration of results. As and when such culprits are apprehended, the arms and ammunition and vehicles concerned shall be confiscated.

4.15 Chief Secretary shall arrange for compilation of daily law & order report for each district in format prescribed in the proforma (LOR – Form I, **annexed**) and for its transmission to the CEO. District authorities should not send this report directly to the ECI. The Chief Secretary shall also arrange for compilation of a consolidated report for entire state in another format (LOR – Form II, **annexed**) by the Home Department. This reports should be sent to the CEO, who in turn would fax the report with his/her comments to ECI.

5. It is clarified that Commission has not banned supply of arms and ammunitions to other states. However, such transfers should only be on the basis of valid papers, including 'no objection certificates' from the respective district magistrates. It must be ensured that the supply reaches the actual consignee and it does not reach the hands of any unauthorised person. All care should be taken to ensure that trucks, lorries etc carrying arms and ammunitions to other states should reach actual consignee and do not find their way into the hand of unauthorised persons. Therefore trucks and other commercial vehicles shall be vigorously checked at interstate borders with a view to prevent smuggling of arms and ammunitions. The state authorities supplying the consignment shall inform the concerned authorities of the states wherein the supplies of arms and ammunitions are sent so as to take advance action to provide adequate security for remitting the consignment to the actual consignee.

Yours faithfully

Sd/-  
**(A. K. MAJUMDAR)**  
**SECRETARY**